

REMARKS

In the Office Action, claims 1-3, 8, 10, 33-39 and 41-45 were rejected as anticipated by Cryer (6,280,465). Claims 7 and 40 were rejected as obvious over Cryer in view of McIntosh (6,779,909). Claim 12 was rejected as obvious over Cryer in view of McIntosh (and Gould (4,586,923).

The courtesy extended by Examiner Nguyen during the telephone conversation with the undersigned on August 2, 2005 is acknowledged with appreciation. During the conversation, the Cryer patent and the claims of the application were discussed, along with possible claim amendments including further defining the sheath to have an elongated lumen terminating in a distal opening to freely slide over a portion of the length of the guidewire and a portion of the length of the stent (independent claim 1) and the sheath having an elongated lumen with a distal opening to accommodate during relative movement the external diameter of the stent and guidewire for freely slidable relative movement (independent claim 36). The Examiner agreed that this would overcome the rejection over Cryer Figures 1 and 2. Also discussed was the stent in the present invention mounted on the reduced diameter portion of the guidewire. This was the subject matter of dependent claim 34 which depended from claim 1 and now has been added to claim 1. This was also the subject matter of dependent claim 38 which depended from independent claim 36 and has now been added to claim 36. The Examiner agreed that Figures 3 and 4 of Cryer did not disclose the mounting of the stent on a reduced diameter portion and these amendments to claims 1 and 36 would distinguish over Cryer. The Examiner agreed that the stent 414 of Cryer is mounted proximal to the tapered end of the guide 20 and is therefore not on a reduced diameter portion as in the claimed invention of claims 1 and 36. The reduced diameter portion of the present invention advantageously minimizes the profile of the assembly to facilitate insertion. This is not disclosed or suggested in Cryer. Consequently, it was agreed that claims 1 and 36 distinguish over Cryer. Note that this subject matter, already being in claims 34 and 36 previously presented, was already searched by the Examiner and therefore patentably distinguishes over the prior art and are believed in condition for allowance. Also, McIntosh and Gould do not cure the deficiencies of Cryer.

Dependent claims

Also discussed with the Examiner is that the dependent claims recite features which further distinguish over the prior art. It was agreed that the Examiner would consider the features of these claims and determine if they contained allowable subject matter so that they would be objected to

by the Examiner and the applicant could consider adding the recitations to the independent claims. This would provide proper guidance to the applicant to advance prosecution.

For example, new dependent claim 47, which depends from claim 44 and therefore includes the recitations therein, recites the stent is positioned inside the tubular sheath so the sheath covers the outer surface of the stent. Cryer does not disclose this feature. As is apparent from Figure 4, the stent is positioned between retention device 416 and release member 428 and is not covered during insertion.

For example, dependent claims relating to the stop and its height to accommodate the sheath such as in dependent claim 35 which depends from claim 1 and dependent claim 41 which depends from claim 36 is not taught or suggested in the prior art. For example, in Cryer there is no disclosure of a stop over which a sheath is passable over (claim 35) or which fit inside a sheath.

Claim 44 has been amended to add the limitations of claim 1 relating to the freely slidable sheath to distinguish over Cryer Figures 1 and 2. Applicants submit that claim 44 defines over Cryer Figures 3 and 4, as discussed with the Examiner, since in Cryer Figures 3 and 4 there is no disclosure or suggestion of a stop positioned on the guidewire and having a height less than an internal diameter of the sheath and dimensioned to fit within the sheath to accommodate the sheath when the sheath is positioned thereover. Cryer discloses at best a release member 418 and a retention device 416, clearly of the same height, which do not pass over or fit within each other. Allowance of this claim is therefore respectfully requested. Dependent claim 46 which depends from claim 44 recites the reduced diameter portion, also missing from Cryer as discussed above.

Claims 2, 3, and 7-10, 12, 33 and 35 depend from claim 1 and are therefore believed patentable for at least the same reasons as claim 1 is believed patentable.

Claims 37, 39 and 43 depend from claim 36 and claims 45 and 46 depend from claim 44 and are therefore believed patentable for at least the same reasons as claims 36 and 44, respectively, are believed patentable.

Applicants respectfully submit that this application is now in condition for allowance. Prompt and favorable reconsideration of this application is respectfully requested. The Examiner

is invited to contact the undersigned should the Examiner believe it would expedite prosecution.

Respectfully submitted,

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